

Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of

MM Docket No. 99-23

Creation of a Low
Power Radio Service

RM-9208
RM-9242

REPLY-COMMENTS OF Gunnar H. Jensen

I. INTERFERENCE TO EXISTING FM LICENSEES: Comments and reply comments in this proceeding have decried the *potential* for interference by LPFM broadcasters. Substantiation of any interference has not been presented. Though the Commission has stated it does not expect interference from an LPFM service, it appears important to note that evidence exists to substantiate the position.

While recent interference to emergency frequencies, a serious threat, was documented by FCC's Compliance and Information Bureau(CIB) in its enforcement actions¹, specific references of complaints of interference by illegal LPFM broadcasters experienced by existing FM stations were not mentioned in 34 other CIB actions in which unlicensed stations were shut down². In essence, the apparent non-existence of complaints in these actions and dozens of others offer a de facto laboratory in which it can be concluded that initiation of action against the illegal stations' operations began with use of sophisticated enforcement equipment and did not originate from broadcasters' complaints. Also, it is likely that hundreds of other such stations existed at the time, and continue to operate without complaint.

Finally, broadcasters and the government will be better served by an LPFM service that is regulated and features operational standards that can be more readily monitored. Because the need for such service is so great, the alternative will likely be continued expensive detection and enforcement actions along with greater potential for interference.

II. OWNERSHIP: The need for a community oriented LPFM service to provide the vital information and cultural programming ignored by commercial interests has been well articulated in these proceedings. Interestingly, few reply comments have adequately argued that such a need does not exist. However, additional consideration should be given to ownership requirements that might restrict development of LPFM stations for communities with limited resources and emerging organizational skills. For example, there is need for arrangements in which larger, non-profit organizations might assist

¹ FCC News Release-Compliance and Information Action, March 22, 1998. Report No. CI 99-15.

² FCC News Releases-Compliance and Information Action, August 18, 1998 and December 16, 1998. Report Nos. CI 98-13 & CI-98-30, respectively.

communities in starting up a station, provide programming assistance for a limited time, and then transfer the station to the community by an established or agreed upon deadline. This need is especially acute in rural communities like those of the San Joaquin Valley of California where resources are tight and development efforts would benefit greatly from access to community radio that is used for community organizing.

Fixed-time, flexible "hand-over" ownership arrangements would do much to satisfy the tremendous need for community radio that is diverse and representative of the communities where it will be found. This must be balanced with a need to exclude from any new LPFM service, another proliferation of distantly owned and satellite-fed empires of multi-"non-community" radio stations.

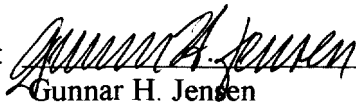
III. COMMERCIAL vs. NON-COMMERCIAL: The *only* justification for having an LPFM service is to provide an alternative to the "non-community", commercial radio service. More commercial radio is not indicated. Existing commercial broadcasters struggling in fiercely competitive markets should not have to fear further dilution of markets. By their nature, community radio stations are supported by their communities with such additional, "non-commercial messages" from larger contributors as communities see fit. By and large, community radio stations depend heavily upon volunteer support from members of the community for station operation.

Commercial stations, like many public radio stations, are held hostage to their commercial and large donor clients who insist upon "least offensive programming" formats that shy from community introspection and treat community service as an intrusive obligation.

Here in the San Joaquin Valley, members of community based organizations not plugged into the main stream elite society do not enjoy ongoing, easy radio access. These groups seek to offer vital information to low income communities and families regarding health, education, immigration, labor and housing, but are denied ongoing access by commercial and even large, network oriented public stations.

IV. COMPETING APPLICATIONS/FORFEITURES: To relieve the Commission's burden in determining these, local citizens advisory boards(LCAB) could be developed to review applications with preference given based upon established community service/orientation criteria and make recommendations to the commission. LCAB memberships should be diverse and representative.

Signed: _____


Gunnar H. Jensen

Date: _____

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Gunnar H. Jensen (559-264-6059)
830 E. Normal Ave.
Fresno, CA
93704-6113